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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

MUSCLEPHARM CORPORATION,

Debtor.

Case No.: 22-14422-NMC

Chapter 11

Hearing Date: January 24, 2023

Hearing Time: 9:30 AM PST

**MOTION FOR AN ORDER GRANTING THE DEBTOR ADDITIONAL TIME  
WITHIN WHICH TO FILE SCHEDULES AND STATEMENTS**

MusclePharm Corporation, the debtor and debtor-in-possession in the above-captioned Chapter 11 case (the “**Debtor**”), by and through its proposed counsel of record, Schwartz Law, PLLC, hereby submits this motion (the “**Motion**”) for the entry of an order granting the Debtor additional time within which to file schedules and statements.

This Motion is made and based upon the following memorandum of points and authorities, the *Omnibus Declaration of Ryan Drexler, in Support of Debtor’s Emergency Petition, First Day Motions and Related Relief* (the “**First Day Declaration**”), the papers and pleadings on file with the Court herein, and any oral arguments the Court may allow at the hearing on this Motion. In support of this Motion, the Debtor respectfully states as follows:

**JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and

1 Local Rule 1001(b)(1).<sup>1</sup> This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).  
2 Venue of this case and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3 2. The Debtor confirms its consent, pursuant to Bankruptcy Rule 7008 and Local Rule  
4 9014.2, to entry of a final order by the Court in connection with this Motion to the extent that it is later  
5 determined that the Court, absent consent of the parties, cannot enter final orders or judgments in  
6 connection herewith consistent with Article III of the United States Constitution.

7  
8 3. The statutory bases for the relief requested herein are Section 105(a), Section 521,  
9 Bankruptcy Rule 1007(a)(5), Bankruptcy Rule 1007(c), and Local Rule 1007(c).

### 10 **BACKGROUND**

11 4. On December 15, 2022, (the “**Petition Date**”), the Debtor filed a voluntary petition for  
12 relief under Chapter 11 of the Bankruptcy Code (the “**Chapter 11 Case**”).

13 5. The Debtor continues to operate as a debtor-in-possession pursuant to Sections 1107(a)  
14 and 1108 of the Bankruptcy Code.

15  
16 6. To date, the Office of the United States Trustee for Region 17 (the “**UST**”), which  
17 includes the District of Nevada, has not appointed a committee of unsecured creditors in the Debtor’s  
18 Chapter 11 Case. (*See* Docket).

19 7. No case trustee or examiner has been appointed by the UST in this Chapter 11 Case.

20 8. Additional facts supporting the relief requested by the Debtor in this Motion are set  
21 forth in the First Day Declaration of Ryan Drexler.

### 22 **RELIEF REQUESTED**

23  
24 9. By this Motion, the Debtor seeks the entry of an Order extending the time within which  
25

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26 <sup>1</sup> Unless otherwise indicated, all chapter and section references are to the Title 11 of the United  
27 States Code, 11 U.S.C. §§ 101-1532 (the “**Bankruptcy Code**”). All references to a “**Chapter**” or  
28 “**Section**” shall be to the Bankruptcy Code. “**Bankruptcy Rule**” references are to the Federal Rules  
of Bankruptcy Procedure 1001-9037. “**Local Rule**” or “**LR**” references are to the Local Rules of  
Bankruptcy Practice of the United States Bankruptcy Court, District of Nevada.

1 the Debtor is required to file its schedules of assets and liabilities, lists of equity holders, schedules of  
2 executory contracts and unexpired leases, and statements of financial affairs (collectively, the  
3 “**Schedules and Statements**”).

4 **BASIS FOR RELIEF**

5 10. On December 15, 2022, the Debtor filed its voluntary petition (the “**Petition**”) in this  
6 Chapter 11 Case. The Petition provided limited pertinent information necessary to file. The Debtor  
7 has not been able to compile all of the pertinent documents and financial information necessary to  
8 complete the Schedules and Statements. The Debtor’s professionals are working diligently to finalize  
9 the Schedules and Statements.  
10

11 11. Due to the emergency nature of the case, the fourteen (14) day automatic extension of  
12 time to file the Schedules provided by Bankruptcy Rule 1007(c), will not be sufficient to permit  
13 completion of the Schedules and Statements. Accordingly, the Debtor requires additional time to  
14 assemble the information necessary to complete the Schedules and Statements.  
15

16 12. At this juncture, the Debtor estimates that thirty (30) additional days from the initial  
17 and current deadline of December 29, 2022, or to January 30, 2023, will provide sufficient time to  
18 prepare and file the Schedules and Statements. As a result, the Debtor requests that the Court grant  
19 such an extension, without prejudice to the Debtor’s right to seek any further extensions from the  
20 Court, to file all Schedules and Statements not previously filed, pursuant to Bankruptcy Rules 1007(b)  
21 and (c), or to seek waivers with respect to the filing of certain Schedules and Statements.  
22

23 13. Extensions, such as the one sought in this Motion, are routinely granted in Chapter 11  
24 cases, and if approved, will greatly enhance the accuracy of the Schedules and Statements and avoid  
25 the necessity of substantial subsequent amendments.

26 14. The Debtor asserts that no creditor, or other party in interest, will be prejudiced by the  
27 extension of time requested herein.  
28

**NO PRIOR REQUEST**

15. No prior request for the relief sought herein has been made to this Court or any other court.

**CONCLUSION**

WHEREFORE, the Debtor respectfully requests that the Court enter an Order: (1) granting the Debtor additional time within which to file Schedules and Statements, as set forth in the order, attached hereto as **Exhibit 1**; and (2) granting such other and further relief as the Court deems appropriate.

Dated this 27th day of December, 2022.

By: /s/ Samuel A. Schwartz  
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# EXHIBIT 1

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**UNITED STATES BANKRUPTCY COURT  
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In re:

MUSCLEPHARM CORPORATION,  
  
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Case No.: 22-14422-NMC

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Hearing Date: January 24, 2023  
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**[PROPOSED] ORDER GRANTING THE DEBTOR ADDITIONAL TIME  
WITHIN WHICH TO FILE SCHEDULES AND STATEMENTS**

Upon the motion (the “**Motion**”)<sup>1</sup> of MusclePharm Corporation, the debtor and debtor-in-possession in the above-captioned Chapter 11 case (the “**Debtor**”), by and through its proposed counsel of record, Schwartz Law, PLLC, for entry of an order granting the Debtor additional time within which to file schedules and statements (the “**Schedules and Statements**”); and upon the record

<sup>1</sup> Capitalized terms used herein, but not otherwise defined, shall have the meanings ascribed to them in the Motion.

1 of the hearing held on the Motion; and it appearing that the relief requested is in the best interests of  
 2 the Debtor's estate, its creditors, and other parties in interest; and it appearing that this proceeding is  
 3 a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that this Court has jurisdiction over  
 4 the subject matter of the Motion pursuant to 28 U.S.C. § 1334; and it appearing that venue is proper  
 5 pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the  
 6 Motion has been given under the particular circumstances and that no other or further notice is  
 7 necessary; and after due deliberation thereon, and good and sufficient cause appearing therefore; it is  
 8 hereby:  
 9

10 **ORDERED** that the time within which the Debtor shall file all Schedules and Statements,  
 11 required under 11 U.S.C. § 521 and Bankruptcy Rules 1007(a), (b), and (c), shall be and hereby is  
 12 extended pursuant to Bankruptcy Rule 1007(c) for thirty (30) additional days through and including  
 13 January 30, 2023; and it is further

14 **ORDERED** that such extension is without prejudice to the Debtor's right to file a motion  
 15 seeking further extensions from the Court or to seek waivers with respect to the filing of certain  
 16 Schedules and Statements; and it is further

17 **ORDERED** that this Court shall retain jurisdiction to hear and determine all matters arising  
 18 from the implementation of this Order.  
 19

20  
 21 Respectfully submitted:

22  
 23 By: /s/ Samuel A. Schwartz  
 24 Samuel A. Schwartz, Esq.  
 25 Nevada Bar No. 10985  
 26 SCHWARTZ LAW, PLLC  
 27 601 East Bridger Avenue  
 28 Las Vegas, Nevada 89101

*Proposed Attorneys for Debtor*

**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court has waived the requirement set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☐ I have delivered a copy of this proposed order to all counsel and any unrepresented parties who appeared at the hearing, except those as to whom review was waived on the record at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

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